

08-CV-05282-STIP

THE HONORABLE FRANKLIN D. BURGESS

IN THE UNITED STATES DISTRICT COURT
FOR WESTERN WASHINGTON AT TACOMA

DONALD EMERY,, ET AL.,

Plaintiffs,

vs.

PIERCE COUNTY, et al.,

Defendants.

No. 3:08-CV-05282-FDB

STIPULATED MOTION AND ORDER
FOR CONTINUANCE OF TRIAL DATE

I. STIPULATED MOTION

The parties in the above-entitled action hereby move this Honorable Court for a continuance of the present trial date of November 23, 2009, and request that trial be reset for the first available date the court has available after February 22, 2010. This Motion is sought not for delay, but due to conflicting schedules of the parties' experts, and conflicts with the trial calendars of counsel for the parties.

In the event the Court grants the requested continuance, the parties further request that an amended scheduling order be issued reflecting new pretrial deadlines in accordance with the new trial date assigned by the Court.

STIPULATED MOTION & ORDER FOR CONTINUANCE OF TRIAL DATE –
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1 RESPECTFULLY SUBMITTED this 27th day of May, 2009.

2
3 ~~See~~ See Attached
4 Donald P. Emery, Plaintiff

5
6 See Attached
7 Frances E. Emery, Plaintiff

8 LAW OFFICE OF JOHN C. CAIN

9
10 By: [Signature]
11 John C. Cain, WSBA # 16164
12 Attorney for Plaintiffs

13 LAW OFFICES OF DAVID C. SMITH, PLLC

14
15 By: [Signature]
16 David Clement Smith, WSBA # 29824
17 Attorney for Plaintiffs

18 GERALD A. HORNE
19 Prosecuting Attorney

20 By: [Signature]
21 P. Grace Kingman, WSBA # 16717
22 Deputy Prosecuting Attorney
23 Attorneys for Defendants
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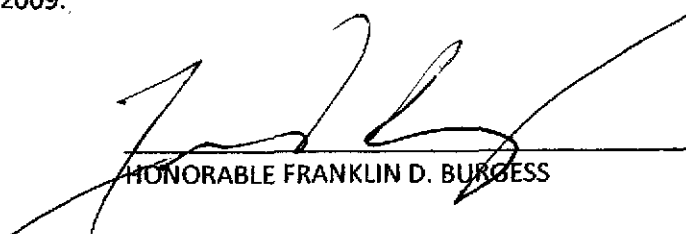
II. ORDER

THIS MATTER having come before the court pursuant to the parties' Stipulated Motion and Order for Continuance of Trial Date, now therefore,

IT IS HEREBY ORDERED that the current trial date of November 23, 2009 is hereby stricken, and this case is reset for jury trial for ten (10) days, on March 22, 2010.

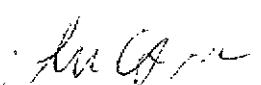
IT IS FURTHER ORDERED that the Court shall issue a Minute Order amended the pretrial deadlines in accordance with the new trial setting.

DATED this 2nd of June, 2009.

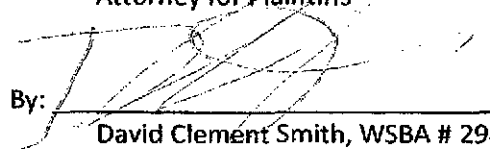

HONORABLE FRANKLIN D. BURGESS

Presented by:

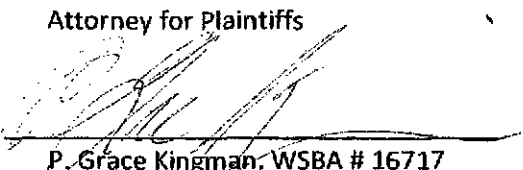
By:


John C. Cain, WSBA # 16164
Attorney for Plaintiffs

By:


David Clement Smith, WSBA # 29824
Attorney for Plaintiffs

By:


P. Grace Kingman, WSBA # 16717
Deputy Prosecuting Attorney
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